

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KING TACO RESTAURANT, INC.,

Plaintiff,

v.

KING TACO EXPRESS, INC., a Nevada  
corporation; EMMANUEL LUNA, an  
individual; SOL CELENE ROJAS, an  
individual,

Defendants.

2:08-CV-00281-LRH-PAL

ORDER

Presently before the court is Plaintiff King Taco Restaurant's Motion for Sanctions (#23<sup>1</sup>). Defendants King Taco Express, Emmanuel Luna, and Sol Celene Rojas (collectively, "Defendants") have not responded.

Pursuant to Federal Rule of Civil Procedure 37(b), Plaintiff asks the court to strike Defendants' Answers and enter a default judgment in Plaintiff's favor because Defendants have failed to follow the court's June, 5, 2008, discovery scheduling order. On October 27, 2008, the court denied Plaintiff's Motion to Strike King Taco Express's Answer and granted Defendants leave to amend the answer (#34). In the order, the court recognized that Defendants had been proceeding pro se and have subsequently obtained counsel. In light of the court's previous order

<sup>1</sup> Refers to the court's docket number.

1 and Defendants' subsequent retention of counsel, the court will deny the motion for sanctions.

2 IT IS THEREFORE ORDERED that Plaintiff's Motion for Sanctions (#23) is hereby  
3 DENIED.

4 IT IS SO ORDERED.

5 DATED this 10th day of November, 2008.



7  
8 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE